

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LABEL\$DOLLARS, CORP.,

Plaintiff/Counterclaim Defendant,

V.

PREMARK FEG, L.L.C.,

Defendant/Counterclaim Plaintiff,

C.A. No. 06-594 (JJF)

JURY TRIAL DEMANDED

DEFENDANT'S MOTION TO DISMISS
COUNTS III, IV, AND V OF THE COMPLAINT

Defendant Premark FEG, L.L.C., by and through its undersigned counsel, hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6) for an order dismissing Counts III, IV, and V of Plaintiff Label\$Dollars, Corp.'s Complaint with prejudice. The grounds for this motion are fully set forth in Defendant's Opening Brief In Support of Its Motion to Dismiss Counts III, IV, and V of the Complaint, filed contemporaneously herewith.

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Dated: November 16, 2006

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**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**


CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2006, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on November 16, 2006, I have sent by Federal Express the foregoing document to the following non-registered participants:

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[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION TO DISMISS COUNTS III, IV, AND V OF THE COMPLAINT

AND NOW, upon consideration of Defendant's Motion to Dismiss Counts III, IV and V of the Complaint, and all briefs submitted in support thereof and in opposition thereto,

IT IS HEREBY ORDERED this _____ day of _____, 200__, that Defendant's Motion is GRANTED, and Counts III, IV, and V of the Complaint are DISMISSED WITH PREJUDICE.

United States District Judge